

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

AUTHORS GUILD *et al.*, individually and on
behalf of others similarly situated,

Plaintiffs,

v.

OPENAI INC., OPENAI OPCO LLC, OPENAI
GP LLC, OPENAI LLC, OPENAI GLOBAL
LLC, OAI CORPORATION LLC, OPENAI
HOLDINGS LLC, OPENAI STARTUP FUND I
LP, OPENAI STARTUP FUND GP I LLC,
OPENAI STARTUP FUND MANAGEMENT
LLC, and MICROSOFT CORPORATION,

Defendants.

JONATHAN ALTER *et al.*, on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

OPENAI, INC., OPENAI GP, LLC, OPENAI,
LLC, OPENAI OPCO LLC, OPENAI GLOBAL
LLC, OAI CORPORATION, LLC, OPENAI
HOLDINGS, LLC, and MICROSOFT
CORPORATION,

Defendants.

THE NEW YORK TIMES COMPANY

Plaintiffs,

v.

MICROSOFT CORPORATION, OPENAI,
INC., OPENAI LP, OPENAI GP, LLC,
OPENAI, LLC, OPENAI OPCO LLC, OPENAI
GLOBAL LLC, OAI CORPORATION, LLC,
and OPENAI HOLDINGS, LLC,

Defendants.

Case No. 1:23-cv-08292-SHS

Case No. 1:23-cv-10211-SHS

Case No. 1:23-cv-11195-SHS

Case No. 1:24-cv-00084-SHS

**NOTICE OF MOTION AND
MOTION TO INTERVENE AND
DISMISS, STAY OR TRANSFER**

NICHOLAS A. BASBANES and NICHOLAS
NGAGOYEANES (professionally known as
Nicholas Gage), individually and on behalf of
all others similarly situated,

Plaintiffs,

v.

MICROSOFT CORPORATION, OPENAI,
INC., OPENAI GP, L.L.C., OPENAI
HOLDINGS, LLC, OAI CORPORATION,
LLC, OPENAI GLOBAL, LLC, OPENAI,
L.L.C., and OPENAI OPCO, LLC,

Defendants.

PLEASE TAKE NOTICE that Plaintiffs in the substantially similar first-filed case, *In re OpenAI ChatGPT Litigation*, pending in the Northern District of California, Master File No. 3:23-cv-03223-AMO (N.D. Cal. 2023) (“*In re ChatGPT Litigation*”), on behalf of themselves and others similarly situated, hereby move this Court before the Honorable Sidney H. Stein, United States District Judge, at the United States District Court for the Southern District of New York, 500 Pearl St., New York, NY 10007, to intervene and to dismiss, or in the alternative to stay or transfer, the following actions to the Northern District of California pursuant to Rule 24 of the Federal Rules of Civil Procedure and the first-to-file rule: 1) *Authors Guild et al. v. OpenAI Inc. et al.*, Case No. 1:23-cv-08292-SHS; 2) *Alter et al. v. OpenAI Inc. et al.*, Case No. 1:23-cv-10211-SHS; 3) *Basbanes et al. v. Microsoft Corp.*, Case No. 1:24-cv-00084; 4) *The N.Y. Times Co. v. Microsoft Corp. et al.*, Case No. 1:23-cv-11195-SHS.

In support of the Motion, Plaintiff-Intervenors rely on the accompanying Memorandum of Law, the Declaration of Christopher J. Hydal, the files and docket in *In re ChatGPT Litigation*, the files and dockets in the actions referred to above, and any other written or oral argument as may be requested by the Court.

Dated: February 12, 2024

By: /s/ Christopher J. Hydal
Christopher J. Hydal

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